

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

**ROBERT M. BRAMBLE and
DOROTHY M. BRAMBLE,**

Plaintiffs,

v.

**JOHNS MANVILLE
CORPORATION, et al.,**

Defendants.

NO.

**NOTICE OF REMOVAL OF CIVIL ACTION FROM THE SUPERIOR
COURT OF NEW JERSEY, CAMDEN COUNTY**

**TO: The Judges of the United States District Court
For the District of New Jersey**

PLEASE TAKE NOTICE that Defendants Johns Manville Corporation and Johns Manville, respectfully request that this action, captioned *Robert M. Bramble and Dorothy M. Bramble v. Johns Manville Corporation and Johns Manville and Does 1-10 Does 11-20 Does 21-30*, be removed to the United States District Court for the District of New Jersey, and respectfully aver as follows:

1. This is a civil action filed and now pending in the Superior Court of New Jersey, Camden County, Law Division, Docket No. CAM-L-000040-19 (hereinafter “New Jersey state court action”).¹

¹ 1. This is the second action initiated by Plaintiffs for the same alleged accident. On November 19, 2018, Plaintiffs filed suit against Defendant Johns Manville Corporation (the only named defendant) in the Court of Common Pleas of

2. Defendants Johns Manville Corporation and Johns Manville seek to remove this matter to the United States District Court for the District of New Jersey.

3. On January 4, 2019, Plaintiffs filed their complaint in the New Jersey state court action, a copy of which is attached hereto as Exhibit “A”.

4. A copy of the docket entries from the New Jersey state court action are attached hereto as Exhibit “B”.

5. The undersigned counsel accepted service of the complaint on behalf of Defendants Johns Manville Corporation and Johns Manville on January 10, 2019, and the filed Acceptance of Service is attached hereto as Exhibit “C”.

6. On January 17, 2019, the undersigned entered her appearance for Defendants Johns Manville Corporation and Johns Manville in the New Jersey state court action, a copy of which is attached hereto as Exhibit “D”.

7. This Notice of Removal is filed within thirty days of service of process on Defendants Johns Manville Corporation and Johns Manville.

8. Defendants Johns Manville Corporation and Johns Manville are the only named defendants in the New Jersey state court action besides Does 1-30.

9. The citizenship of parties with fictitious names such as “Doe” are

Philadelphia County, Pennsylvania, November Term 2018, No. 002073. On December 12, 2018, Johns Manville Corporation removed the Pennsylvania state court action to the United States District Court for the Eastern District of Pennsylvania, No. 18-cv-05369, and on December 19, 2018, Plaintiffs filed a notice of voluntary dismissal of that action.

disregarded for purposes of determining diversity. 28 U.S.C. § 1441(b)(1).

10. This suit is of a civil nature and involves a controversy between citizens of different states.

11. There are grounds for removal of this action pursuant to 28 USC §1441(a) and (b) based on diversity of citizenship.

12. Plaintiffs' complaint alleges they are citizens of the State of New Jersey.

13. Defendants Johns Manville and Johns Manville Corporation are both, now and were at the time Plaintiffs commenced this civil action and filed the New Jersey state court action, corporations organized under the laws of the State of Delaware with their principal place of business at 717 Seventeenth Street, Denver, Colorado 80202.

14. Complete diversity of citizenship exists between Plaintiffs and Defendants Johns Manville and Johns Manville Corporation.

15. Defendants Johns Manville Corporation and Johns Manville assert that the potential amount in controversy in this matter exceeds \$75,000.

16. Plaintiffs allege that Plaintiff Robert M. Bramble was injured in an accident and sustained a left patella tendon rupture with hamstring augmentation, requiring surgery. Plaintiffs allege that Mr. Bramble has incurred work loss damages and medical bills. Plaintiff Dorothy M. Bramble has asserted a loss of consortium

claim.

17. The amount in controversy listed as to each count of the complaint filed in the New Jersey state court action is in excess of \$50,000.

18. Plaintiffs' counsel has advised the undersigned that the medical and work loss lien is in excess of \$75,000.

19. The United States District Court for the District of New Jersey has original jurisdiction of this action pursuant to 28 USC § 1332(a)(1) since the matter in controversy exceeds \$75,000, exclusive of interest and costs, and the controversy is between citizens of different states.

20. The Court of Appeals for the Third Circuit has stated that "dismissal is appropriate only if the federal court is certain that the jurisdictional amount cannot be met." *Columbia Gas Transmission Corp. v. Tarbuck*, 62 F.3d 538, 541 (3d Cir. 1995).

21. Defendants Johns Manville Corporation and Johns Manville have, simultaneously with the filing of this notice, given written notice to Plaintiffs' counsel.

22. Defendants Johns Manville Corporation and Johns Manville are also filing a copy of the instant notice of removal and all attachments thereto with the Clerk of the Superior Court of New Jersey, Camden County.

WHEREFORE, Defendants Johns Manville Corporation and Johns Manville,

hereby remove this suit to this Honorable Court.

LURIO & ASSOCIATES, P.C.

Date: January 28, 2019

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